REMARKS

The final Office Action dated July 21, 2009 has been received and its contents carefully noted.

Claims 40-53, 64, 69-72 and 74-81 are pending in the application.

Claims 59-62, 66, 68 and 73 were withdrawn from consideration in response to the Examiner's Restriction Requirement in an Office Action dated January 11, 2008.

Claims 40-53, 64, 69-72 and 74-81 stand finally rejected.

The rejection of claims 69-72 under 35 U.S.C. §112 is withdrawn.

Claim Rejections 35 U.S.C. 103

At paragraph 2, pages 3-10 of the Office Action, the Examiner rejects independent claims 40, 48 and 77 and dependent claims 41-45, 49-52, 64 and 78-80 under 35 U.S.C. §103(a) as being unpatentable over Sasakura (U.S. Patent No. 6,151,493) in view of Briffett (U.S. Patent No. 6,154,665).

At paragraph 3, pages 10-13 of the Office Action, the Examiner rejects dependent claims 46, 47, 53 and 81 under 35 U.S.C. §103(a) as being unpatentable over the Sasakura-Briffert combination in view of Rohrbach (U.S. Patent No. 5,898,783)

At paragraph 4, pages 13-15 of the Office Action, the Examiner rejects dependent claims 69-72 under 35 USC §103(a) as being unpatentable over the Sasakura-Briffett combination further in view of Namekawa (U.S. Patent No. 4,809,315).

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's device comprising:

> unauthorized separation detection means arranged to detect release of a releasable connector connecting the device to a person; and
>
> control means, having a first mode in which whenever the releasable connector is released, the control means effects at least partial disablement of the device in response to the release of the releasable connector.

as set forth in independent claim 40.

Claims 41-47 are dependent directly or indirectly upon independent claim 40.

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's device comprising:

> a detector configured to detect release of a releasable connector connecting the device to a person; and
>
> a controller having a first mode in which whenever the releasable connector is released, the controller effects at least partial disablement of the device in response to the release of the releasable connector

as set forth in independent claim 48.

Claims 49-53, 64 and 69-72 are dependent directly or indirectly upon independent claim 48.

Applicant respectfully submits that Sasakura or Briffett art taken separately or in combination fails to disclose, suggest or teach the structural limitation "disablement of the device in response to the release of the releasable connector" as set forth in claims 40-47, 48-53, 64 and 69-72.

To the extent the cited art might be applied to Applicant's invention as disclosed and claimed, Applicant submits the cited art fails to disclose Applicant's method comprising:

> detecting the unauthorized separation of a device from a person, while the device is in a first mode, by detecting the release of a releasable connector connecting the device to the person; and effecting at least partial disablement of the device directly in response to the release of the releasable connector, so that the device is at least partially disabled whenever the releasable is not connected to the device

as set forth in independent claim 77.

Claims 78-81 are dependent directly or indirectly upon independent claim 77.

Applicant respectfully submits that Sasakura or Briffett art taken separately or in combination fails to disclose, suggest or teach the structural limitation "disablement of the device directly in response to the release of the releasable connector" as set forth in claims 77-81.

To reject Applicant's claims under 35 U.S.C. §103, the Examiner must show that the factors set forth in *Graham v. John Deere Co. (383 U.S. 1, 148 USPQ 459 (1966)* are met by the cited prior art (MPEP 2141). Applicant respectfully submits that the Examiner has failed to establish a prima facie case of obviousness under the *Graham* factors and therefore, respectfully requests favorable reconsideration and withdrawal of the Examiner's rejection in view of the following cogent reasoning in support thereof.

Sasakura discloses a cellular phone 30 and a transmission unit 10 which is worn by the owner of the cellular phone 30. The transmission unit 10 is card-shaped (see column 3, lines 45 to 46) and may be kept in the owner's breast pocket (see column 3, lines 52 to 53). The transmission unit 10 transmits a wireless identification signal to the canceling unit 20 at the phone 30 and returns a confirmation signal to the transmission unit 10 if the received signal at the cancellation unit 20 sent from the transmission unit 10 exceeds a predetermined threshold value and the identification is correct to keep the phone 30 in operation. When the phone 30 is more than a predetermined distance from the transmission unit 10, the strength of the signal sent by the transmission unit 10 present at the canceling unit 20 drops below a threshold level because the phone 30 is beyond a predetermined distance from the canceling unit 20 and the phone 30 is disabled in response to the canceling unit 20 no longer producing a call prohibition canceling signal (column 5, lines 21-29).

The principle of operation in Sasakura is the phone is operative within a given predetermined distance from an enabling transmitting unit dependent on receipt of a confirming signal from a cancelling unit receiver that the strength of the enabling transmitted signal received at the cancelling unit exceeds a threshold value.

Sasakura makes no mention of any releasable connector, and clearly does not teach, disclose or suggest the structural limitation of "disablement of a device in response to the release of a releasable connector." Applicant's invention eliminates the complexity of proximity transmitters and receivers which are restricted to operating within a given range and only disables the phone when the proximity transmitter and receiver exceed or are outside the given operating range. In contrast, Applicant's invention provides disablement of the phone in response to the release of a releasable connector and does not operate on the principle of proximity detection.

Briffett discloses a mobile telephone 1 comprising a telephone proximity unit 16 and a belt clip assembly 20 comprising a belt clip proximity unit 46. The telephone proximity unit 16 comprises a detecting contact 82 and the belt clip proximity unit 46 comprises a detecting contact 62. When the telephone 1 is situated in the belt clip assembly 20, the detecting contacts 62, 82 electrically contact each other. In the absence of electrical contact between the detecting contacts 62, 82, the telephone proximity unit 16 and the belt proximity unit 46 are switched on (column 4, lines 36 to 39). The telephone proximity unit 16 then transmits a master proximity signal S2 to the belt proximity unit 46. After receiving the master proximity signal S2, the belt proximity unit 46 transmits a slave acknowledgement proximity signal S1 to the telephone proximity unit 46.

If the telephone proximity unit 16 does not receive the signal S1 because it is not within the transmission range of the belt clip proximity unit 46, the telephone proximity unit 16 sounds an alarm and sends instructions to a microprocessor 4 of the telephone 1 "which switches the telephone 1 from its normal mode in which it waits to have a PIN number entered and all other functions of the telephone, such as the capability to receive or place a call, are unavailable to the user" (column 4, line 62 to column 5, line 10). Thus, the phone is not disabled when the phone is removed from the belt clip proximity unit 46.

The principle of operation in Briffett is similar to the principle of operation in Sasakura. The principle of operation in both Briffett and Sasakura is the phone is operative within a given predetermined distance between transmitting and receiving proximity units.

Briffett makes no mention of any releasable connector, and clearly does not teach, disclose or suggest the structural limitation of "disablement of a device in response to the release of a releasable connector." Applicant's invention eliminates the complexity of proximity transmitters and receivers which are restricted to operating within a given range and only disables the phone when the proximity transmitter and receiver exceed or are outside the given operating range. In contrast, Applicant's invention provides disablement of the phone in response to the release of a releasable connector and does not operate on the principle of proximity detection.

The Examiner is of the opinion that a person of ordinary skill in the art would "combine the teaching of Briffett with the system of Sasakura for the benefit of achieving an arrangement

that includes a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation". If a person skilled in the art were to attempt to combine the teaching of Briffett with the system of Sasakura, it may well result in an arrangement that includes "a belt clip assembly which enables the user to attach a telephone to his belt for convenient transportation", as stated by the Examiner, however the operating principle of the combination remains that of proximity detection between transmitting and receiving proximity devices and does not provide "disablement of the device in response to the release of the releasable connector".

In order for one skilled in the art to make a combination as suggested by the Examiner, the principle of operation of Sasakura and Briffett would need to be changed to remove the transmitting proximity unit and the receiving proximity unit.

The addition of the teachings of Rohrbach does not overcome the inherent deficiencies of the Sasakura and Briffett references as these references taken singly or in combination operate on the principle of proximity detection and do not disclose, teach or suggest the structural limitation "disablement of the device in response to the release of the releasable connector" of Applicant's invention as set forth in independent claims 40, 48 and 77.

Rohrbach discloses a SIM card 110 comprising data communication circuitry 200, logic circuitry 210 and disabling circuitry 220. Data communication circuitry 200 is operative to transmit a code identifying the SIM card 110, from logic circuitry 210 within the card, to a telecommunications network via a mobile station 100. The telecommunications network searches a disable database and returns a disable command if the unit code identifying the SIM card 110 is found in the disable database. In response to receiving a disable command, the disabling circuitry 220 is operative to incapacitate the logic circuitry 210 to prevent or limit further operation of the SIM card thereby being incapacitated with respect to the telecommunications network and systems independent of telecommunications network (column 4, lines 13 to 25).

The addition of the teachings of Namekawa to check the on/off state of a sensor to save power does not overcome the inherent deficiencies of the Sasakura and Briffett references as these references taken singly or in combination operate on the principle of proximity detection

and do not disclose, teach or suggest the structural limitation "disablement of the device in response to the release of the releasable connector" of Applicant's invention as set forth in independent claims 40, 48 and 77.

Applicant respectfully submits independent claims 40, 48 and 77 are allowable over the art of record for at least the foregoing reasons. The remaining claims of the application are dependent directly or indirectly upon these independent claims and it is submitted these claims are also allowable for similar reasoning as the independent claims from which they depend and for further structural limitations set forth therein.

In sum, it is submitted that the present invention as claimed is readily distinguishable from the applied references for the reasons indicated. Applicant's invention is not disclosed by the applied references and there is no fair basis for alleging that Applicant's invention is obvious in regard to them. If the invention was obvious, it would have been adopted before in view of its advantages.

In view of the foregoing, Applicant respectfully requests favorable reconsideration and withdrawal of the rejections under 35 U.S.C. §103.

Conclusion

For all of the foregoing reasons, it is believed that the claims of the application are in condition for allowance, and their passage to issue is earnestly solicited. Applicant requests the Examiner contact Applicant's attorney at the below listed number should there be any questions or issues remaining after review of the foregoing.

Respectfully submitted,

Date: September 18, 2009

Jack M. Pasquale
Attorney for the Applicant
Registration No. 31,052

WARE, FRESSOLA, VAN DER SLUYS
& ADOLPHSON LLP
755 Main Street, P.O. Box 224
Monroe, Connecticut 06468
(203) 261-1234